

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LATANYA RHODES,)	
)	
Plaintiff,)	Civil Action File No.:
)	
v.)	<hr style="width: 20%; margin-left: 0;"/>
)	
HOSPITALITY VENTURES)	<i>Removed from</i>
MANAGEMENT, LLC d/b/a EMBASSY)	State Court of Gwinnett County
SUITES BY HILTON ATLANTA)	Civil Action No. 23-C-04235-S2
PERIMETER CENTER,)	
)	
Defendant.		

PETITION FOR REMOVAL BY DEFENDANT

Pursuant to 28 U.S.C. § 1441, Defendant Hospitality Ventures Management, LLC d/b/a Embassy Suites By Hilton Atlanta Perimeter Center. (hereinafter “Defendant” or “Hospitality Ventures”), hereby petitions this Court for removal of this action, entitled *Latanya Rhodes v. Hospitality Ventures Management, LLC d/b/a Embassy Suites by Hilton Atlanta Perimeter Center*, Civil Action File No. 23-C-04235-S2, currently pending in the State Court of Gwinnett County, Georgia, to this Court, and shows this Honorable Court the following:

1.

This civil action was filed on June 20, 2023, by Plaintiff Latayna Rhodes (“Plaintiff”) in the State Court of Gwinnett County, Georgia, said county being part

of the Northern District of Georgia. N.D.G.A. Local Rule 3.1(A), LR App. A, I. The Atlanta Division of this Court is the proper Division for this removal as further set forth below.

2.

The action is a civil action for personal bodily injuries and medical expenses, and the United States District Court for the Northern District of Georgia has jurisdiction by reason of the diversity of citizenship of the parties pursuant to 28 U.S.C. §§ 1441 and 1332.

3.

The amount in controversy exceeds \$75,000.00, the statutory minimum amount, exclusive of interest and costs, as evidenced by the *Plaintiff's Response to Hospitality Ventures' First Requests For Admissions to Plaintiff Latayna Rhodes* (see Exhibits "1") in which Plaintiff claims the amount in controversy, exclusive of interest and costs, in this matter exceeds \$75,000 and that Plaintiff Latayna Rhodes seeks to recover damages in this case in an amount greater than or equal to \$75,000.

4.

(a) At the time of the commencement of this action in State Court, upon information and belief, and according to Plaintiff's *Complaint*, Plaintiff, Latanya Rhodes, was and is now, a citizen of Georgia. [Complaint, ¶ 1].

(b) Defendant at the time the action was commenced and at the present time, was and still is a foreign limited liability company, incorporated and existing under and by virtue of the laws of Delaware having its principal place of business in Georgia. [Hospitality Ventures Answer, ¶ 2].

5.

A true and correct copy of all process, pleadings, and orders served upon Defendant in this action are attached hereto as Exhibit “2.”

6.

Plaintiff alleges in her Complaint that, due to the negligence of Hospitality Ventures, she slipped and fell in the shower in her room located at 1030 Crown Pointe Parkway, Atlanta, Georgia 30338. [Complaint, ¶ 4].

7.

This civil action is based on a controversy between citizens of different States and, as outlined above, the amount in controversy exceeds \$75,000.00. As such, this matter has become ripe for removal based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

8.

The instant *Petition for Removal* is timely filed pursuant to and in accordance with 28 U.S.C. § 1446(b)(3) within thirty days after the disclosure given by Plaintiff in the form of *Plaintiff's Response to Defendant's First Request for Admission*.

9.

Furthermore, the instant *Petition for Removal* is timely filed, pursuant to and in accordance with 28 U.S.C. § 1446(c)(1), within one year of the commencement of the action.

10.

Accordingly, this action, over which the United States District Court for the Northern District of Georgia has original jurisdiction under 28 U.S.C. § 1332, is removable to the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441.

11.

Venue is proper in the Atlanta Division of the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441, 28 U.S.C. § 1391, and N.D.G.A. Local Rule 3.1(B)(1)(a). Specifically, Plaintiff's Complaint was filed in the State Court of Cobb County, which is part of the Atlanta Division. *See* N.D.G.A. Local Rule 3.1(A), LR App. A, I.

12.

As required by 28 U.S.C. § 1446(d), Defendant shall give written notice hereof to all adverse parties and shall file a copy of this *Petition for Removal* with the Clerk of the State Court of Gwinnett County.

WHEREFORE, Defendant, Hospitality Ventures., request that this action proceed in this Court as an action properly removed to it.

Respectfully submitted this 15th day of August, 2023.

**GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.**
950 East Paces Ferry Road, N.E.
Suite 1700 – Salesforce Tower Atlanta
Atlanta, Georgia 30326
Telephone: (404) 870-7378
Facsimile: (404) 870-1030

/s/ James R. Reeves
Matthew G. Moffett
Georgia State Bar No.: 515323
James R. Reeves
Georgia State Bar No.: 455711
*Attorneys for Hospitality Ventures
Management, LLC*

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing with the Clerk of Court using the Court's electronic filing-and-service system, which will send electronic notification to all parties having appeared of record in this action:

David S. Eichholz, Esq.
THE EICHHOLZ LAW FIRM, P.C.
319 Eisenhower Drive
Savannah, GA 31406
david@thejusticelawyer.com

Dated this 15th day of August, 2023.

GRAY, RUST, ST. AMAND,
MOFFETT & BRIESKE, L.L.P.
950 East Paces Ferry Road, N.E.
Suite 1700 – Salesforce Tower Atlanta
Atlanta, Georgia 30326
Telephone: (404) 870-7378
Facsimile: (404) 870-1030

/s/ James R. Reeves
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James R. Reeves
Georgia State Bar No.: 455711
*Attorneys for Hospitality Ventures
Management, LLC*